

Amendment and Response

Applicant: Ken G. Pomaranski et al.

Serial No.: 10/727,440

Filed: Dec. 4, 2003

Docket No.: 200209695-1

Title: SYSTEM AND METHOD FOR TESTING AN INTERCONNECT IN A COMPUTER SYSTEM

REMARKS

The following remarks are made in response to the Office Action mailed March 15, 2005. Claims 1-9, 11 and 13-19 were rejected. Claims 10, 12 and 20 have been objected to. Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Claims 1-9, 11, and 13-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nejedlo et al., U.S. Patent Publication 2004/0117709 (hereafter Nejedlo).

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al., U.S. Patent Publication 2004/0117708 (hereafter Ellis).

Claims 13 and 17 are rejected under 35 U.S.C. 103(e) as being unpatentable over Ellis in view of Nejedlo.

Nejedlo was filed on December 16, 2002 and was published on June 17, 2004. Ellis was filed on March 31, 2003 and was published on June 17, 2004. The present application was filed on December 4, 2003.

Applicants are filing herewith a Declaration under 37 C.F.R. 1.131 to swear behind Nejedlo and Ellis to remove Nejedlo and Ellis as prior art. Applicants respectfully request approval of this Declaration under 37 C.F.R. 1.131 and, based on this Declaration, that Nejedlo and Ellis be removed as prior art references under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a).

Therefore, with the removal of Nejedlo, the rejection to claims 1-9, 11, and 13-19 under 35 U.S.C. § 102(e) as being anticipated by Nejedlo no longer applies. With the removal of Ellis, the rejection to claim 1 under 35 U.S.C. § 102(e) as being anticipated by Ellis no longer applies. With the removal of Ellis and Nejedlo, the rejection to claims 13 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Nejedlo no longer applies.

In view of the above, claims 1-9, 11, and 13-19 are believed to be in form for allowance. Therefore, Applicants respectfully request that rejections to claims 1-9, 11, and 13-19 under 35 U.S.C. § 102(e) be reconsidered, and that the rejections be removed and that these claims be

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allowed. In addition, Applicants respectfully request reconsideration and withdrawal of the U.S.C. § 103(a) rejection to claims 13 and 17, and request allowance of these claims.

Allowable Subject Matter

The Examiner objected to claims 10, 12, and 20 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Applicants agree with the Examiner that claims 10, 12, and 20 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Nevertheless, Applicants respectfully submit that with the removal of Nejedlo and Ellis as references under 35 U.S.C. § 102(e) and under 35 U.S.C. § 103(a), the rejection to independent claims 1 and 17 no longer apply. Therefore, as claims 10 and 12 further define base claim 1 along with any intervening claims, and as claim 20 further defines base claim 17 along with any intervening claims, claims 10, 12, and 20 are allowable in dependent form. Therefore, Applicants respectfully request that the objections to claims 10, 12, and 20 be removed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-20 are in form for allowance. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-20 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Any inquiry regarding this Amendment and Response should be directed to either David A. Plettner at Telephone No. (408) 447-3013, Facsimile No. (408) 447-0854 or Christopher P. Kosh at Telephone No. (512) 231-0533, Facsimile No. (512) 231-0540. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Respectfully submitted,

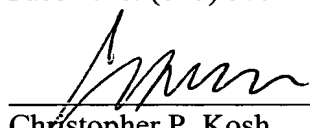
Ken G. Pomaranski et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC
Fifth Street Towers, Suite 2250
100 South Fifth Street
Minneapolis, MN 55402
Telephone: (612) 573-2000
Facsimile: (612) 573-2005

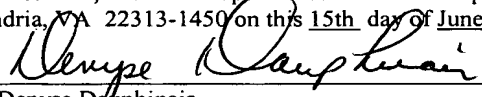
Date: 6/15/05

CPK:dmd



Christopher P. Kosh
Reg. No. 42,760

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15th day of June, 2005.

By 

Name: Denyse Dauphinais